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FILE

October 23, 1992

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ms. Donna R. Searcy
Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

RE: Amendment of Section 73.206(b)
Table of Allotments
Broken Bow, Oklahoma

Dear Ms. Searcy:

Transmitted herewith, on behalf of CarePhil Communications, licensee of FM broadcast station KKBI, Broken Bow, Oklahoma, are an original and five (5) copies of its "Petition for Rule Making" in the above-referenced proceeding.

Should any question arise concerning this matter, please communicate with this office.

Very truly yours

FLETCHER, HEALD & HILDRETH

Vincent J. Curtis, Jr.

Counsel for CarePhil Communications

VJC/cia
Enclosures

cc: Mr. Dennis Williams (with enclosure) (by hand)
Mr. Arthur Doak (with enclosure) (by hand)

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OCT 23 1992

Federal Communications Commission

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

WASHINGTON, D.C. 20554

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In Re)
Amendment of Section 73.206(b))
Table of Allotments)
(Broken Bow, Oklahoma))

Directed to: Chief, Mass Media Bureau

PETITION FOR RULE MAKING

Comes now CarePhil Communications, licensee of Station KKBI-FM, Broken Bow, Oklahoma, by its attorneys, and respectfully requests that the Commission modify the allocation of KKBI-FM from Channel 291C3 to Channel 291C2. In support, the following is stated:

1. CarePhil requests that the Commission allocate Channel 291C2 to Broken Bow, Oklahoma, at the coordinates N.34°14'45", W.94°46'58".

2. This rule making request is being filed as a matter of precaution, even though there exists a question as to its necessity. The Commission had, following a rule making request (DA87-661, released June 10, 1987) by the former licensee, agreed to change the allocation to a C-2 and granted the application to cover this change (BPH-870901IA). After the assignment of the license to CarePhil (BALH-890919HW), CarePhil discovered that a problem existed as to availability of the proposed site. Accordingly, it filed a downgrade application for a C-3 operation

at N.33°59'57", W.94°47'27" (file No. BMPH-890717IK). Because of a potential conflict, this application was delayed until a settlement was reached with another party and the application was not granted until January 17, 1992.

3. At about the time that the Commission was able to resolve the conflict problem in connection with the C-3 application, the owner of the C-2 site agreed to permit use of its land. Accordingly, on February 28, 1992, CarePhil advised the Commission of its intent to utilize the C-2 authorization and not to go forward on the C-3 facility. On July 21, 1992, CarePhil requested a further extension of the C-2 construction permit.¹ This application was granted on April 28, 1992, extending the authorization until February 28, 1993 (BMPH-920716JZ). On October 9, 1992, CarePhil filed its application for license to cover the C-2 permit.

4. A question has been raised as to whether CarePhil, in February of 1992, should have submitted a rule making petition to change the allocation to a C-2, once the C-3 modification was granted. In an abundance of caution, CarePhil is at this time filing such a petition. Based upon information available to CarePhil, the change as contemplated herein will not effect any such petitions now pending before the Commission.

5. It is evident from the foregoing that CarePhil has attempted to keep the Commission apprised of its actions. Even the

¹ At the time that the C-3 application was granted, the Commission also extended the C-2 authorization.

Commission itself had given the impression, in granting the applications for extension of the permit, that it was acting under the same theory as CarePhil.

WHEREFORE, the premises considered, it is respectfully requested that the allocation for Station KKBI-FM, Broken Bow, Oklahoma, be changed to Channel 291C2.

Respectfully submitted,
CAREPHIL COMMUNICATIONS

By:



Vincent J. Curtis, Jr.

Its Attorney

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October 23, 1992

CERTIFICATE OF SERVICE

I, Carroll Allman, a secretary in the law firm of Fletcher, Heald & Hildreth, do hereby certify that true copies of the foregoing "Petition for Rule Making" were sent this 22nd day of October, 1992, by hand, to the following:

Mr. Dennis Williams
Federal Communications Commission
Mass Media Bureau
1919 M Street, N.W.
Room 332
Washington, D.C. 20554

Mr. Arthur Doak
Federal Communications Commission
Mass Media Bureau
1919 M Street, N.W.
Room 344
Washington, D.C. 20554


Carroll Allman